August 19, 2016

Mr. Leonard Wallace
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Mail Code OES05-1
Boston, MA 02109-3912

Re: Stavis Seafoods, Inc. Information Request

Dear Mr. Wallace:

Please consider this the response of Stavis Seafoods, Inc. ("Stavis") to all remaining requests of the Agency's Information Request dated July 6, 2016 and issued pursuant to Section 114 of the Clean Air Act.

As I noted in my letter dated August 5, 2016, the Agency made 110 specific requests for information or documents and prefaced those requests with instructions and definitions. Stavis objects to the instruction that it supplement this response should additional information or documents "become known or available after answering this request" to the extent it purports to impose on Stavis an obligation of continuous and indefinite duration. Stavis considers such an obligation to be unnecessary and unauthorized by the provisions of Section 114. Notwithstanding this objection, should the EPA make a specific request for supplementation after receiving this response, Stavis will endeavor to respond.

Stavis also objects to the definition of the terms "you," "Stavis Seafoods, Inc." and "Stavis" to the extent they purport to include "contractors," "successors," or "assigns." Stavis contests the Agency's authority to require Stavis to inquire of and answer for persons not associated with Stavis or within its control.

To the extent Stavis has specific objections to the Agency's Information Requests, those objections will be noted in the body of the responses herein. If the Agency believes any of these objections are unfounded, Stavis invites the Agency to discuss the objections with it. Please contact Stavis' counsel, Jonathan Pearlson, in this regard.

Finally, while the information provided in this response is based on the best information currently available to Stavis, none of the responses should be considered binding admissions.

Subject to the foregoing, Stavis responds to the specific requests as follows:

A. Company Background:

1. *Describe the ownership and business structure of the Stavis Seafoods businesses, including the relationship between Stavis Seafoods, Inc. and Stavis Seafoods, LP;*

   Stavis Seafoods, Inc. is a wholly owned qualified subchapter S subsidiary of Stavis Seafoods Limited Partnership.

2. *Indicate the date(s) and state(s) of incorporation of the Stavis Seafoods businesses, including Stavis Seafoods, Inc. and Stavis Seafoods, LP;*

   The Stavis Seafoods business was incorporated in Massachusetts on December 28, 1945. At the time of incorporation, the company was known as Stavis Ipswich Clam Company, Inc. The name of the company was changed from Stavis Ipswich Clam Company, Inc. to Stavis Seafoods, Inc on September 1, 1967. Stavis Seafoods Limited Partnership was organized in Massachusetts on December 28, 2000.

3. *Identify all corporate officers by name and job title;*

   Richard L. Stavis, Chief Executive Officer
   Greg Burgess, President
   Mary S. Fleming, Treasurer
   Emily B. Stavis, Secretary
   Stuart Altman, Executive Vice President – Purchasing
   Michael A. Bass, Esq., Assistant Secretary

4. *Identify any parent and subsidiary corporations and divisions;*

   Stavis Seafoods Limited Partnership is the parent of Stavis Seafoods, Inc.

5. *Provide the net worth of the Stavis Seafoods businesses;*

   Stavis Seafoods, Inc. asserts a claim of **business confidentiality** pursuant to 40 C.F.R. § 2.203(b). Subject to this claim, Stavis has enclosed its response to this request as a separate document for review only by EPA.

6. *Identify the owner of the property located at 7 Channel Street, Boston, MA 02210 ("the Facility"). Identify the owner of the Facility building at the property, if different than the property owner.*

   Economic Development & Industrial Corporation of Boston
   One City Hall Square
   Boston, MA 02201
   (617) 635-5729

7. *The following questions pertain to the Stavis Seafoods Facility located at 7 Channel Street, Boston, MA 02210.*

This paragraph contains a statement to which no response is required.

B. Facility Employees:

8. *Identify who was responsible for environmental compliance at the Facility as of March 23, 2016.*

Gary Hardin, Compliance and Regulatory Manager

Last known home address and phone number:

REDACTED

Business address and phone number:

Stavis Seafoods, Inc.
212 Northern Avenue, Suite 305
Boston, MA 02210
(617) 897-1200

9. *Identify who is currently responsible for environmental compliance at the Facility.*

Gary Hardin, Compliance and Regulatory Manager

Last known home address and phone number:

REDACTED

Business address and phone number:

Stavis Seafoods, Inc.
212 Northern Avenue, Suite 305
Boston, MA 02210
(617) 897-1200

10. *Designated Operator of Ammonia Refrigeration System:*

i. *Describe the nature of Brian Caron's employment at the Facility, including job title(s) and dates of employment in each job function.*

Brian Caron served as the Facilities Manager for the Facility from July 14, 2014 – March 23, 2016. His responsibilities at the Facility included inspecting, maintaining, and overseeing the ammonia refrigeration system and working with the Operations Manager with

respect to all service contracts of leased equipment and power jacks, cleaning contracts, waste disposal, snow removal, alarm systems, pest control, uniform contract and all other miscellaneous contracts.

ii. *Identify who was the Facility's designated operator of the ammonia refrigeration system prior to Brian Caron and the dates of his/her tenure in this position.*

Nick Buttera (2013–2014)
REDACTED

Last known business address:

Stavis Seafoods, Inc.
212 Northern Avenue, Suite 305
Boston, MA 02210
(617) 897-1200

iii. *Provide information, including training records, on who will be the Facility's designated operator of the ammonia refrigeration system going forward.*

The Facility's ammonia refrigeration system is not currently in operation. As such, there is no designated operator.

C. <u>Facility Inspection Documents:</u>

13. *Provide copies of all correspondence from the Facility's insurance company(ies) regarding the Facility's ammonia refrigeration system, including, but not limited to, insurance inspection reports, ammonia system evaluations made for insurance purposes, and customer letters from insurance auditors for the Facility.*

Stavis Seafoods previously produced documents responsive to this Request as part of its response to Request 11 of OSHA's Subpoena. Copies of those documents were provided to EPA on July 20, 2016. A copy of a 2009 Unfired Pressure Vessel Report of Inspection is included in the "Request 13" folder on the enclosed disk.

14. *Provide a copy of any Boston Inspectional Services inspection reports for the last three years.*

Stavis does not have any Boston Inspectional Services inspection reports for the last three years.

15. *Provide a copy of any Boston Fire Department inspection reports for the last three years.*

Stavis does not have any Boston Fire Department inspection reports for the last three years.

16. *Provide copies of all materials, including permit applications, submitted by the Facility to the Boston Fire Department pursuant to 527 CMR 33.04.*

Copies of materials responsive to this request are included in the "Request 16" folder on the enclosed disc.

17. *Provide copies of all evaluations of the Facility's ammonia refrigeration system made by any third parties, including, but not limited to, contractors bidding to perform maintenance activities at the Facility.*

Stavis does not have copies of any evaluations of the Facility's ammonia refrigeration system made by any third parties.

18. *Provide copies of any and all photographs of the ammonia refrigeration system at the Facility from 2014 to the present.*

Stavis does not have any photographs of the ammonia refrigeration system at the Facility from 2014 to the present other than the photos taken by the EPA.

D. <u>Technical Information about the Facility's Ammonia Refrigeration System and Process Hazard Review:</u>

19. *Provide a copy of any Block Flow Diagram for the Facility's ammonia refrigeration system.*

Stavis does not have any Block Flow Diagrams for the Facility's ammonia refrigeration system.

20. *Provide a copy of any piping and instrumentation diagrams (P&IDs) for the Facility's Ammonia Machinery Room. Also, there appeared to be a more comprehensive P&ID for the Facility in American Refrigeration Company's files, but the P&ID posted in the Ammonia Machinery Room was missing equipment in the Ammonia Machinery Room. Did Stavis have a complete P&ID at the Facility itself?*

P&IDs for the Facility's Ammonia Machinery Room are included as Response No. 3 of the July 25, 2016 production to OSHA, a copy which was provided to EPA on July 28, 2016. The P&ID posted in Stavis' Ammonia Machinery Room was missing equipment in the Ammonia Machinery Room because, due to an error, that particular P&ID showed the Facility's evaporators and ice makers, not the Ammonia Machinery Room. Stavis did have a complete P&ID at the Facility.

21. *Provide specification sheets and user manuals for the ammonia monitoring system used to detect ammonia leaks in the Ammonia Machinery Room, Coolers, and Freezer.*

The user manual for the M&M monitoring system at the Facility was previously produced to OSHA as part of Stavis' response to Request 10 of the Subpoena. A copy of the manual was included in the production provided to EPA on July 28, 2016. An additional document responsive to this request is included in the "Request 21" folder on the enclosed disc.

22. *Provide specification sheets and user manuals for the Facility's portable combustible gas meter.*

The Facility did not have a portable combustible gas meter. Accordingly, Stavis does not have specification sheets or user manuals for any such meter.

23. *Provide a copy of any maintenance and calibration records for the portable combustible gas meter for the past three years.*

Please see Stavis' response to Request No. 22 above.

24. Provide *ventilation design records and calculations for the Ammonia Machinery Room and the Maintenance Storage Room below.*

Stavis does not have ventilation design records and calculations for the Ammonia Machinery Room or the Maintenance Storage Room below.

25. *Provide specification sheet and user manuals for the automatic ventilation system in the Ammonia Machinery Room and the Maintenance Storage Room below, including, but not limited, to intake louvers and exhaust fans.*

Stavis does not have specification sheets and user manuals for the automatic ventilation system in the Ammonia Machinery Room and the Maintenance Storage Room below.

26. *Provide the ammonia refrigeration system relief valve header sizing calculations and documents sufficient to show the relief system design, the design basis, and maintenance for any and all pressure relief values on the Facility's ammonia refrigeration system.*

Stavis previously produced documents responsive to this request as part of its response to Request 4 of OSHA's Subpoena. Copies of those documents were provided to EPA on July 20, 2016. Additional documents responsive to this request are included in the "Request 26" folder on the enclosed disc.

27. *Provide the specification sheet, user manual and any other documents that describe the functioning of the M&M Refrigeration Process Control System and Monitor.*

i. *Provide documents that describe what the alarm codes mean.*

ii. *Describe and provide documents showing how the emergency/remote controls outside the Ammonia Machinery Room function.*

iii. *Describe and provide documents regarding what equipment and/or electrical systems are shut down by the Facility's M&M Refrigeration Control System, including what ammonia levels cause the system to shut down and which fans are activated.*

Stavis Seafoods previously produced an M&M Manual responsive to subpart (i) of this request as part of its response to OSHA Subpoena Request 10. A copy of that manual was provided to the EPA on August 3, 2016. Additional documents responsive to this request are included in the "Request 27" folder on the enclosed disc.

29. *Provide a list of all intrinsically safe equipment in the Ammonia Machinery Room.*

There is no intrinsically safe equipment known by Stavis to be located in the Ammonia Machinery Room.

30. *Provide any and all specification sheets or other documents related to the pipe attached to the bottom of the Pilot Receiver that was damaged during the March 23, 2016 ammonia release from the Facility.*

Stavis does not have any documents responsive to this request.

31. *For the Facility's four oil separator tanks in the Facility's Ammonia Machinery Room, provide: (a) all design specification information; (b) as-built documentation; and (c) photographs of the nameplates of each tank.*

A copy of the as-built documentation for the Facility's four oil separator tanks in the Facility's Ammonia Machinery Room and photographs of the nameplates of each tank are included in the "Request 31" folder on the enclosed disc. Stavis does not have any additional documents responsive to this request.

E. <u>Training Records for Facility Employees</u>

32. *Provide a copy of safety and health training records for all Stavis employees at the Facility who entered the Ammonia Machinery Room, even periodically, including for emergency response (e.g., HazMat Team members), chemical hazard communication and electrical safety training.*

Copies of documents responsive to this request are included in the "Request 32" folder on the enclosed disc. Documents Stavis provided in response to Requests 7 and 16 of the OSHA subpoena (copies of which were provided to OSHA on July 20, 2016, July 28, 2016, and August 8, 2016) may also be responsive to this request.

33. *Provide a copy of First Responder (Awareness) training records for all Facility employees.*

Stavis does not have any documents responsive to this request.

34. *Provide a copy of HazMat technician training records.*

Copies of records responsive to this request are included in the "Request 32" folder on the enclosed disc.

35. *Provide a copy of Incident Commander training records.*

A copy of a training record responsive to this request is included in the "Request 32" folder on the enclosed disc.

36. *Provide a copy of any First aid and CPR training records*

Stavis does not have any documents responsive to this request.

37. *The training log in the Facility's Ammonia Refrigeration Management Program obtained from Mr. Caron's computer is blank. Is there a filled-out version of that log? If so, please provide it.*

Stavis does not have a completed version of the training log in the Facility's Ammonia Refrigeration Management Program.

F. <u>Ammonia Refrigeration Management Program:</u>

38. *Provide a complete copy of any written Process Safety Management (PSM) or Ammonia Refrigeration Management program, including any PSM-related program prepared for the Commonwealth of Massachusetts.*

Stavis previously produced documents responsive to this request as part of its response to OSHA Subpoena Request No. 7. A copy of that production was provided to EPA on July 28, 2016. Copies of additional documents responsive to this request are included in the "Request 38" folder on the enclosed disc.

39. *Provide a copy of any company Safety Manual information that relates to ammonia, electrical safety, and ladder safety.*

Stavis does not have a "Safety Manual." However, the company does have the following safety programs, copies of which were provided to EPA as part of Stavis' response to OSHA Subpoena Request Nos. 7 and 16:

- Emergency Preparedness Program
- Hazard Communication Program
- Respiratory Protection Program
- Ammonia Response Plan
- Evacuation Plan

– Ammonia Refrigeration Management Program

40. *Provide a complete set of operating procedures that relate to the ammonia refrigeration system.*

Copies of documents responsive to this request are included in the "Request 40" folder on the enclosed disc.

41. *Provide a copy of the company's written hazard communication program.*

A copy of the company's written hazard communication program is included in the "Request 41" folder on the enclosed disc.

42. *Provide a copy of any documentation of emergency response or emergency evacuation drills for the past 3 years, including any evaluation of responses / drills performed.*

A copy of documentation of Stavis Seafoods' June 2015 Evacuation Drill for the Facility is included in the "Request 42" folder of the enclosed disc.

43. *Provide the name(s) and contact information for any persons or company that performed work at the Facility within the last three years in the Ammonia Machinery Room area. Supply a copy of all documents for the work performed.*

Stavis objects this request on the ground that it is vague in that it does not define "work" performed. Subject to this objection, Stavis answers as follows: American Refrigeration Company (149 River Street, Andover, MA 01810, (978) 474-4000) performed work on the ammonia refrigeration system at the Facility over the last three years. Copies of documents reflecting the work performed by ARC were previously produced as part of Stavis' response to OSHA Subpoena Request No. 9 and were provided to EPA on July 28, 2016.

44. *Provide documentation of any medical surveillance of HazMat Team members.*

Stavis does not have any documentation responsive to this request.

45. *Provide a copy of any personal protective equipment (PPE) hazard assessment for the facility including any monitoring / evaluation done to determine the level of protective equipment required for HazMat team members.*

A copy of Stavis' written PPE hazard assessment is included in the "Request 45" folder on the enclosed disc.

46. *Provide a copy of any written respirator program.*

Documents responsive to this request are included in the "Request 46" folder on the enclosed disc.

47. *Provide a copy of any emergency eye wash / shower inspections and servicing records.*

Copies of records responsive to this request are included in the "Request 47" folder of the enclosed disc.

48. *State where PPE was kept for routine oil draining operations. Also, state whether employees typically wore PPE when draining oil in the Ammonia Machinery Room.*

Oil draining operations at the Facility relating to the ammonia refrigeration system were handled by Brian Caron. Stavis does not know where Mr. Caron typically kept his PPE for routine draining operations. Stavis also does not know whether Mr. Caron typically wore PPE when he drained oil in the Ammonia Machinery Room.

G. <u>Maintenance of the Ammonia Refrigeration System at the Facility:</u>

49. *Provide copies of all documents related to maintenance, including maintenance logs, that were created and/or kept by Brian Caron regarding the Ammonia Refrigeration System at the Facility.*

Stavis previously produced documents responsive to this request as part of its response to OSHA Subpoena Request No. 12. Copies of the documents Stavis produced to OSHA were provided to EPA on July 20, 2016 and August 8, 2016.

50. *Provide a list of any industry standards that the Facility used to govern the inspection, testing, and maintenance of its ammonia refrigeration systems.*

In the course of operating and maintaining the Ammonia Refrigeration System at the Facility, Stavis utilized recognized and generally accepted good engineering practices, as well as following industry standards promulgated by the IIAR/ANSI, ASHRAE:

a. IIAR-2 American National Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems

b. IIAR-3 American National Standard for Ammonia Refrigeration Valves

c. IIAR-4 American National Standard for Installation of Closed Circuit Ammonia Refrigeration Systems

d. IIAR-7 Developing Operating Procedures for Closed-Circuit Ammonia Mechanical Refrigerating Systems

e. IIAR Bulletin 109 Guidelines for Minimum Safety Criteria for a Safe Ammonia Refrigeration System

f. IIAR Bulletin 110 Start-up, Inspection, and Maintenance of Ammonia Refrigeration System

g. IIAR Bulletin 114 Identification of Ammonia Refrigeration Piping and System Components

h. IIAR Bulletin 116 Avoiding Component Failure in Industrial Refrigeration Systems Caused by Abnormal Pressure or Shock

i. ASHRAE 15 Safety Standard for Refrigeration Systems

j. IIAR Ammonia Refrigeration Management Program

Previously Published:

a. IIAR Bulletin 111 Guidelines for Ammonia Machinery Room Ventilation

b. IIAR Bulletin 112 Guidelines for Ammonia Machinery Room Design

51. *Provide a timeline of the ammonia refrigeration system equipment upgrades, installations, and/or renovations at the Facility, including ammonia inventories, from 1984 to the present. Provide the contracts for this work. Also provide any written evaluations used to manage changes made to the refrigeration system.*

- 1984 Construction of 7 Channel St. Facility and Startup
- 2003 Addition to 7 Channel St. Facility (construction and expansion of the Ammonia Compressor Room, construction of new fresh fish cooler, and construction of new truck loading dock)
- 2006 Replaced Valves and Piping for Freezer Control Stations on Roof
- 2006 Rebuilt MYCOM Compressor
- 2007 Installed Control System for Central Ammonia System
- 2011 Overhauled #3 High Stage Compressor
- 2014 Installed new Evaporative Condenser
- 2014 MYCOM Compressor #3 Rebuild
- 2015 MYCOM Booster #1 Complete Overhaul
- 2016 MYCOM Booster #2 Rebuild

Documents related to ammonia inventories at the Facility are included in the "Request 76" folder on the enclosed disc. Additionally, documents Stavis previously produced as part of its response to OSHA Subpoena Request No. 9, copies of which were hand-delivered to EPA on July 28, 2016, may also be responsive to this request. Stavis does not have any written evaluations used to manage changes to the refrigeration system.

52. *Provide copies of all orders and invoices for work performed for the last three years on the Facility's ammonia refrigeration system, including repairs.*

Documents responsive to this request were previously produced as part of Stavis' response to OSHA Subpoena Request Nos. 9 and 12. Copies of those documents were provided to EPA on July 20, 2016 and July 28, 2016.

53. *Provide a timeline for all anhydrous ammonia that was charged into the Facility's ammonia refrigeration system, including quantities of anhydrous ammonia.*

- 7/31/2014: 300 lbs
- 5/4/2013: 400 lbs
- 2/9/2013: 200 lbs
- 7/8/2012: 200 lbs
- 5/31/2012: 200 lbs
- 10/20/2011: 300 lbs
- 8/31/2011: 400 lbs
- 8/11/2011: 100 lbs
- 9/22/2008: 600 lbs
- 5/24/2006: 400 lbs
- 5/18/2005: 400 lbs

54. *Provide a timeline of all times the ammonia refrigeration system was pumped out, the quantity of ammonia that was pumped out, and when any ammonia releases occurred.*

March 23, 2016 – ammonia release

April 1, 2016 – pump out of ammonia refrigeration system (3231lbs)

April 22, 2016 – removal of residual gas through a water bath (quantity unknown)

Stavis has not found any records reflecting pump outs of the ammonia system prior to April 1, 2016. Stavis has no current corporate knowledge of any other releases. Notwithstanding the foregoing, please see the documents Stavis produced to OSHA on August 19, 2016 as part of its response to Request 17 of the OSHA Subpoena, a copy of which is also being provided to EPA.

55. *Provide copies of the maintenance records for all the exhaust fans in the Ammonia Machinery Room area for the last three years.*

Stavis does not have any documents responsive to this request.

57. *Provide any and all documents related to the maintenance of the M&M ammonia monitoring system at the Facility including documents related to ammonia sensor calibration and sensor replacement, from January 1, 2012, to the present.*

58. *According to the M&M system's monitor printout, ammonia detectors were disabled in the Ammonia Machinery Room from January 28, 2016 through March 2016 although, from the printout, the detectors appeared to be reading out levels of ammonia in parts per million. Describe the functionality and problems with the detectors during this time frame and specify whether the detectors were automatically triggering alarms and the ventilation system during that time.*

Based on the printout from the ammonia monitoring system at the 7 Channel Street facility, the system was disabled for the specified period of time January 28, 2016 through March 2016. The detectors, although disabled from the M&M System, still functioned as a normal operating detector. During this timeframe, the ammonia detection system would have and did actively monitor and provide readouts to the system as shown in the logs. However, due to the fact that the ammonia engine room detectors were taken offline, the system did not have the ability to initiate any of the internal safety systems.

59. *Provide a copy of any documents describing any boiler and pressure vessel testing performed by any third party since 2003, including any testing of piping for corrosion, wear, etc.*

Documents responsive to this request were previously produced as part of Stavis' response to OSHA Subpoena Request No. 11. Copies of those documents were provided to EPA on July 20, 2016.

60. *Provide any and all documents related to the maintenance of the Pilot Receiver involved in the ammonia release on March 23, 2016 at the Facility, and any and all documents related to the maintenance of the materials that were directly attached to the Pilot Receiver, including the pipe that was damaged on March 23, 2016.*

Stavis previously provided copies of maintenance records responsive to this request as part of its responses to Requests 9 and 13 of the OSHA Subpoena. A copy of those records was provided to EPA on July 28, 2016 and August 8, 2016.

61. *Provide a copy of any maintenance and testing records for valves associated with the refrigeration system since 2003.*

Stavis previously provided copies of records responsive to this request as part of its response to Request 14 of the OSHA Subpoena. A copy of those records was provided to EPA on July 20, 2016.

62. *Specify how long the white tub of oil depicted in photo P3230056 had been present and full of oil before the ammonia release occurred on March 23, 2016. Also, state whether any oil draining activities were planned for March 23, 2016.*

Stavis Seafoods does not know the length of time the tub depicted in photo P3230056 had been present and full of oil before the ammonia release on March 23, 2016.

63. *Provide logs for oil draining from the equipment in the Ammonia Machinery Room.*

Stavis does not have any documents responsive to this request.

64. *The preventative maintenance documents downloaded from Mr. Caron's computer on March 24, 2016 only contained the cover page for the Ammonia Refrigeration Management Program's "Preventative Maintenance" section. Please provide the rest of that section, if available.*

A complete copy of the "Preventative Maintenance" section referenced in this request was previously provided as part of Stavis' response to Request No. 7 of the OSHA Subpoena. A copy of that production was provided to the EPA on July 28, 2016.

65. *Provide any and all communications regarding any and all problems with or concerns about the ammonia refrigeration system at the Facility between 2008 and the present, including any documents related to complaints about the ammonia refrigeration system made by employees or others.*

Copies of communications responsive to this request were previously produced as part of Stavis' response to Request No. 17 of the OSHA Subpoena. Copies of those productions were provided to the EPA on July 28, 2016 and August 2, 2016. Additional responsive documents are also included on the enclosed disc containing a copy of Stavis' August 12, 2016 electronic production to OSHA.

66. *Provide any and all documents related to any decisions Stavis made not to: (a) purchase parts for the ammonia refrigeration system at the Facility; (b) update the ammonia refrigeration system at the Facility; and (c) perform maintenance on the Facility's ammonia refrigeration system.*

Stavis has no documents responsive to this request.

67. *Provide any and all documents related to Stavis' consideration and decisions regarding closing or moving the Facility that involve the Facility's ammonia.*

Copies of documents responsive to this request are included on the enclosed disc containing a copy of Stavis' August 12, 2016 electronic production to OSHA. Additional documents responsive to this request are included in the "Request 67" folder on the enclosed disc.

I. Chemicals at the Facility:

73. *Provide an inventory of all chemicals at the Facility, including Safety Data Sheets (SDSs) for each chemical, including, but not limited to:*

Stavis does not currently have any chemicals at the Facility because, at the Boston Fire Department's instruction, all chemicals were immediately removed from the

Facility after the March 23, 2016 ammonia release. Any trace amounts of ammonia remaining in the system are the subject of an upcoming "inertion" being coordinated with the Agency.

i. *An inventory of the amount of anhydrous ammonia at the Facility in the last three years;*

Stavis estimates that the amount of anhydrous ammonia at the Facility in 2013, 2014, and 2015 was approximately 5,400lbs.

ii. *An inventory of the amount of Lead Acid Batteries in the electric forklifts and trucks at the Facility in the last three years; and,*

A document reflecting an inventory of the amount of Lead Acid Batteries in the electric forklifts and trucks for the past three years is included in the "Request 73" folder on the enclosed disc.

iii. *An inventory of the amount of Glycol solution at the Facility and the type of Glycol in the Facility's system for the last three years.*

The amount of Propylene Glycol at the Facility for the last three years was 247.76 gallons.

74. *Provide a copy of all EPCRA chemical inventory reports filed since 2014 and specify the state or local agencies with which they were filed.*

Documents responsive to this request are included in the "Request 74" folder on the enclosed disc.

75. *Provide a copy of any EPCRA follow-up reports submitted to state and local agencies pursuant to 40 C.F.R. § 355.40(b).*

Documents responsive to this request are included in the "Request 75" folder on the enclosed disc.

76. *Provide all records of ammonia deliveries to the Facility from 2003 to the present.*

Stavis Seafoods has records of ammonia deliveries dating back to 2005. Copies of records responsive to this request are included in the "Request 76" folder on the enclosed disc.

J. <u>Compliance with the Resource Conservation and Recovery Act (RCRA):</u>

77. *The following questions relate to a letter, dated April 14, 2016, from Tanner Industries, Inc. to Mr. Carlos Rita, American Refrigeration Company, Inc. In the letter, Tanner Industries described how ammonia was removed from the Facility on April 1, 2016. The letter described the removed ammonia as "'off-spec' material*

(poor quality)." With regard to the characterization of this material, please respond to the following questions:

i. *Quantify the amount of ammonia removed from Facility on April 1, 2016;*

Stavis understands that the total quantity of ammonia removed from the Facility on April 1, 2016 was 3,231lbs.

ii. *Completely describe all factors that were considered in characterizing this material as "off-spec." If any type of field or laboratory analysis was conducted on the ammonia removed from the system to make this conclusion, please provide copies. If methods other than laboratory analysis were used to make this determination, fully describe these considerations, and how they support the removed material as not being subject to RCRA;*

Stavis Seafoods objects to this request on the ground that it seeks information that Stavis does not have and which is more readily obtainable from other sources. Subject to this objection, Stavis states that it does not know all factors that were considered in characterizing the material as "off-spec" because that characterization was made by Tanner Industries.

iii. *Identify the person or persons responsible for characterizing the removed ammonia as a hazardous material. Please provide contact information for this (these) people, including work telephone numbers, and e-mail addresses; and,*

Stavis Seafoods does not know the identity of the person(s) responsible for characterizing the removed ammonia as a hazardous material because removal of the ammonia was handled by Tanner Industries. Subject matter expertise and product characterization of the ammonia would have been provided by Tanner Industries. Tanner Industries' contact information is as follows:

Tanner Industries, Inc.
735 Davisville Road, Third Floor
Southampton, MA 18966-3200
PH: (215) 322-1238
FAX: (215) 322-7725

iv. *Provide complete copies of the shipping documents used to transport the material removed from the Facility on April 1, 2016 to its ultimate destination.*

Copies of documents responsive to this request are included in the "Request 77" folder on the enclosed disc.

78. *On April 4, 2016, 500-gallons of ammonia-contaminated water was removed from the Facility. This material was shipped to Tradebe in Newington, NH as non-regulated waste. With regard to the characterization of this material, please respond to the following questions:*

i. *Completely describe all factors that were considered in characterizing this material as non-regulated material. If any type of field or laboratory analysis was conducted on this material to make this conclusion, please provide copies. If methods other than laboratory analysis were used to make this determination, fully describe these considerations, and how they support the removed material as not being subject to RCRA; and,*

Stavis objects to this request on the ground that it seeks information that Stavis does not have, and which is more readily obtainable from other sources. Subject to this objection, Stavis states that American Refrigeration Company subcontracted with Clean Venture, Inc, an environmental services company specializing in hazardous waste disposal. Hazardous waste disposal subject matter expertise, product characterization, and any field analysis of the product would have been provided by Clean Venture. Stavis does not have any further information regarding the characterization of materials or methods undertaken to characterize the waste water.

ii. *Identify the person or persons responsible for characterizing the removed ammonia as a hazardous material. Please provide contact information for this (these) people, including work telephone numbers, and e-mail addresses.*

Stavis Seafoods does not have specific information related to the person or persons responsible for characterizing the removed ammonia as a hazardous material. Clean Venture's (Framingham) contact information is as follows:

Clean Venture, Inc.
138 Leland Street
Framingham, MA 01702
PH (508) 872-5000
FX (508) 875-5271

79. *The following questions relate to material removed from the Facility on April 5, 2016. On April 5, 2016, 500-pounds of waste mineral oil was removed from the Facility. This material was shipped to Clean Harbors, Braintree, MA as non-regulated waste. With regard to the characterization of this material, please respond to the following questions:*

i. *Completely describe all factors that were considered in characterizing this material as non-regulated. If any type of field or laboratory analysis was conducted on this material to make this conclusion, please provide copies. If methods other than laboratory analysis were used to make this determination, fully describe these considerations, and how they support the removed material as not being subject to RCRA; and,*

Stavis objects to this request on the ground that it seeks information that Stavis does not have, and which is more readily obtainable from other sources.

Subject to and without waiving this objection, Stavis states that it hired a third party, Clean Harbors, to remove and appropriately dispose of material from the Facility on April 5, 2016. Consequently, Stavis does not have information concerning all factors that were considered in characterizing the material removed from the Facility.

ii. *Identify the person or persons responsible for characterizing the removed ammonia as a hazardous material. Please provide contact information for this (these) people, including work telephone numbers, and e-mail addresses.*

Assuming the question relates to the removal of mineral oil, Stavis Seafoods does not have specific information related to the person or persons responsible for the characterization. Clean Harbors' (Norwell) contact information is as follows:

Clean Harbors
42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149
781.792.5000

K. Questions Regarding Facility's Ammonia Release Emergency Response Plan:

80. *Identify who developed the Facility's Ammonia Release Emergency Response Plan ("ERP") and when it was developed. Provide a final signed copy of the ERP.*

The Facility's Ammonia Release Emergency Response Plan was developed by Gary Hardin on October 31, 2012. Stavis does not have a final, signed copy of the ERP.

81. *Identify the Facility's past and current Operations Manager.*

Art Antczak (2013 – present)
REDACTED

Eugene Lefevre (2006 - 2013)
REDACTED

Matthew Grolnic (2004 – 2006)
REDACTED

The last known business contact information for each of the individuals listed above is: Stavis Seafoods, Inc., 212 Northern Avenue, Suite 305, Boston, MA 02210, (617) 897-1200.

82. *Identify and describe the role of Vice President of Operations/Operations Manager as mentioned in Section 1.2.1(a) of the ERP.*

The VP of Operations' role is to oversee and manage Stavis' operational execution of daily business including inventory, order fulfillment, processing, personnel and multiple work shifts, as well as help develop and execute the operational component of Stavis' strategic plan for future growth. The VP of Operations is also directly involved in the development and operational execution of facility upgrades and information management systems.

The VP of Operations' specific responsibilities include:

- Maintaining physical plants of Stavis Seafoods as economically and efficiently as possible
- Reviewing and approving plant expenses, manpower and facility requirements
- Ensuring accurate inventory and product integrity of all seafood received and sold
- Optimizing order fulfillment accuracy and customer service
- Maximizing efficiency in cost of distribution including outside cold storage and transportation
- Reducing processing costs utilizing technology, outsourcing and global outreach
- Ensuring that duties, responsibilities, authority and accountability of all Operations Personnel are defined and understood
- Identifying training needs, initiate development of Operations Team and recommend effective personnel action
- Defining and recommending objectives in each area of Operations.
- Developing specific short-term and long–term plans and programs
- Directing, monitoring and appraising the performance of Operation departments.
- Coordinating and collaborating with other departments in establishing and carrying out responsibilities and maintaining open communication with all departments
- Creating and adhering to a yearly Operations Budget
- Developing and managing an Operational strategic plan along with supporting policies and procedures that are in alignment with company's strategic plan.

83. *Describe and distinguish the "incident response team," "incident team," and "emergency response team" that are mentioned in Section 1.2.1(f) and (h) of the ERP.*

Stavis Seafoods' Incident Response Team is comprised of the shift refrigeration supervisor and/or his designee. The Incident Response Team is responsible for managing the HAZMAT operation and reports directly to the Operations Manager and Incident Commander. The Incident Team is comprised of members of American Refrigeration Company's technical and operational staff. The Incident Team works in conjunction with Stavis' refrigeration employee, and is responsible for sounding the gas alarm and notifying individuals on site of the incident, overseeing immediate shutdown of the plant's primary and secondary refrigeration systems, identifying the source of the leak, repairing and retesting faulty equipment, and restarting the refrigeration system.

In further answering, Stavis notes that there was an error in the portion of the document that references an "emergency response team." Stavis did not have an emergency response team because its intent was to have the Incident Team fulfill the duties described as the responsibilities of the emergency response team within the ERP.

84. *Identify the shift refrigeration supervisors.*

At Stavis, the Facilities Manager also serves as the shift refrigeration supervisor. Up to the date of the March 23, 2016 ammonia release, Brian Caron served as the shift refrigeration supervisor. Prior to Mr. Caron's employment with Stavis, Nick Buttera and Leonard Boulay were shift refrigeration supervisors.

85. *Describe how Stavis Seafoods employees would work in conjunction with American Refrigeration Company, Inc. on the Facility's refrigeration system as part of the Incident Team, as mentioned in in Section 1.2.1(h) of the ERP. Identify the Stavis Seafoods employees who coordinate with American Refrigeration Company, Inc.*

Stavis Seafoods' Facility Manager would work in conjunction with ARC in the event of an ammonia leak by notifying the Operations Manager of the incident and assisting in the repair, retesting, and restarting of the refrigeration system. Brian Caron would have coordinated with American Refrigeration Company, Inc.

86. *Describe what is meant by "Sound the gas alarm" in Section 1.2.1(h) of the ERP.*

Stavis believes the reference to "sounding the gas alarm" in Section 1.2.1(h) of the ERP was an error. As such, Stavis is unable to describe its meaning.

87. *Describe how the Facility would find the source of any ammonia releases at the Facility. Describe how the Facility can measure ammonia concentrations if a release occurs.*

The Facility would find the source of any ammonia releases on site by referring to the M&M system, which provides direct read outs of each detection point and the concentration being measured in parts per million.

88. *Identify the Plant Safety Director described in Section 1.2.2 of the ERP.*

Stavis does not have a Plant Safety Director. However, Stavis' Regulatory Manager, Gary Hardin, is responsible for Plant safety.

89. *According to the ERP, all Facility employees are trained to the Level 1- First Responder Awareness level. Provide first responder awareness training documentation for all employees.*

Stavis does not have training documentation responsive to this request.

90. *Identify the three employees who are described as trained as HazMat Technicians (Level 3). Provide training documentation for these employees.*

Brian Caron (deceased)

John Murphy, former Vice President of Operations
REDACTED

Last known business address:
Stavis Seafoods, Inc.
212 Northern Avenue, Suite 305
Boston, MA 02210
(617) 897-1200

Training documentation for Mr. Caron and Mr. Murphy was included in the "Request 11" and "Request 12" folders on the disc Stavis produced to the EPA as part of its August 5, 2016 response to the EPA's Information requests.

91. *According to Section 1.2.2 of the ERP, the Vice President, Operations Manager, and Plant Engineer will all be trained to Level 5 as HAZMAT Incident Commanders. Identify the personnel who hold these titles and who received this Incident Commander training. Provide training documentation for these employees.*

John Murphy, former Vice President of Operations, received the Incident Commander training. Training documentation for Mr. Murphy was included in the "Request 11" and "Request 12" folders on the disc Stavis produced to the EPA as part of its August 5, 2016 response to the EPA's Information requests.

92. *According to Section 1.3.1(c) of the ERP, "[the Facility's] refrigeration department has been designed with intrinsically safe electrical equipment..." Identify and describe this intrinsically safe equipment.*

There is no intrinsically safe electrical equipment known by Stavis to be located in the Facility's refrigeration department.

93. *Describe the operation of the Facility's automatic ventilation system including what ammonia concentration causes the automatic ventilation system to activate.*

The automatic ventilation system located in the ammonia engine room is activated when ammonia concentrations above 50 ppm are detected in the room. The ventilation will activate upon this detector set point. The ventilation fans can also be activated manually using switches located on the M&M Panel or within the emergency control box located on the outside of the building.

94. *According to Section 1.3.1(c) of the ERP, a combustible gas meter must be used in all anhydrous ammonia incidents as a backup for the automatic ventilation system. Identify the location of the combustible gas meter.*

There is no combustible gas meter kept at the Facility.

95. *According to Section 1.3.1(d) of the ERP, a copy of the Facility's written hazard communication program and copies of all Material Safety Data Sheets are located in the Facility's Safety Office. Identify the location of the Facility's Safety Office.*

The Facility's Safety Office is located on the second floor of its Shipping Office.

96. *Describe how the Facility will determine that an anhydrous ammonia release at the Facility qualifies as "a controlled or incidental release." Provide examples of "controlled or incidental releases," describe how frequently they occur, identify who would respond to those releases, and describe how the Facility will determine that these releases can be safely addressed.*

An incidental release of a hazardous substance is one that does not pose a significant safety or health hazard to employees in the immediate vicinity, or to the employee cleaning it up, nor does it have the potential to become an emergency within a short time frame. Incidental releases are limited in quantity, exposure potential, or toxicity and present minor safety or health hazards to employees in the immediate work area or those assigned to clean them up. An incidental release may be safely cleaned up by employees who are familiar with the hazards of the chemicals with which they are working.

The properties of hazardous substances, such as toxicity, volatility, flammability, explosiveness, corrosiveness, etc., as well as the particular circumstances of the

release itself, such as quantity, confined space considerations, ventilation, etc., will have an impact on what employees can handle safely and what procedures should be followed. Additionally, there are other factors that may mitigate the hazards associated with a release and its remediation, such as the knowledge of the employee in the immediate work area, the response and personal protective equipment (PPE) at hand, and the pre-established standard operating procedures for responding to releases of hazardous substances. There are some engineering control measures that will mitigate the release that employees can activate to assist them in controlling and stopping the release.

These considerations (properties of the hazardous substance, the circumstances of the release, and the mitigating factors in the work area) combine to define the distinction between incidental releases and releases that require an emergency response. The distinction is facility-specific and is a function of the emergency response plan.

The Facility determines a controlled or incidental release based upon a number of factors; i.e., extent of release, concentration of release, PPE available, and the knowledge, education, and training of personnel involved with the response. The definition of a Controlled or Incidental releases may include: a small leak at a valve station, a leak at the shaft seal of a compressor, or a release with a concentration less than 300 ppm. These type of releases do not occur often, but are considered a part of the daily operation and maintenance of an ammonia refrigeration system. Typically our Refrigeration Engineer and our response team would evaluate the conditions associated with the leak, and deem if it required additional personnel to respond, i.e. our third party refrigeration contractor's response team.

97. *Section 1.4 of the ERP describes safe distances and places of refuge and refers to a Site Map defined as "Appendix A-1." Provide a copy of Appendix A-1.*

A copy of Appendix A-1 is included in the "Request 97" folder of the enclosed disc.

98. *Identify the Plant Security Manager mentioned in Section 1.5.1 of the ERP.*

There is no Plant Security Manager at the Facility. However, Plant security is part of the responsibilities of Stavis' Director of Operations, Brett Heidtke.

Mr. Heidtke's home address and phone number are:
REDACTED

99. *Identify and describe the portion of the Facility mentioned as the "entire Refrigeration Department" in Section 1.5.2 of the ERP.*

The portion of the Facility described as the "entire Refrigeration Department" is the Ammonia Machinery Room.

100. *Define the ERP's use of the following terms: Exclusion Zone; Reduction Zone; and the Support Zone. Identify these zones on a map of the Facility. Describe how these zones were determined.*

The Exclusion Zone is the Ammonia Machinery Room where the incident occurred. The Reduction Zone is the main area of the plant which has a reduced exposure to the ammonia. The Support Zone is the parking lot of the facility where emergency support personnel assemble. Each of these areas was determined through a site analysis.

A map that identifies the Exclusion, Reduction, and Support Zones of the Facility is included in the "Request 100" folder on the enclosed disc.

101. *According to Section 1.6.2 of the ERP, Section 1.6.2 "in conjunction with section 3 of this plan will constitute the emergency procedures for all HAZMAT emergency responders." Provide a copy of Section 3 of the ERP and the Facility's ammonia release plan.*

Stavis does not have a copy of the documents referenced in this request.

102. *Section 1.6.2.d of the ERP mentions alternate evacuation routes. Describe how alternate evacuation routes will be designated under the ERP.*

Alternate evacuation routes are designated verbally under the ERP.

103. *According to Section 1.7.2 of the ERP (Decontamination—Emergency Procedures), "In the event of [personal protection equipment] failure, retire to the contamination reduction zone as soon as possible. For eye contact, use the eye wash station; for skin contact use the deluge shower after doffing the level B protection." Identify the location of the Contaminant Reduction Zone. Identify any eyewash stations or showers in this area of the Facility.*

The Contaminant Reduction Zone is comprised of all areas of the main plant building, except the refrigeration department. Eyewash stations are located in the forklift charging area and in the Maintenance Storage Room. There are no showers.

104. *Provide copies of all of the written critiques of HAZMAT team's practice and training drills for the last three years, as described in Section 1.10.1 of the ERP.*

A document responsive to this request is included in the "Request 42" folder on the enclosed disc.

105. *According to Section 1.10.2 of the ERP, all HAZMAT incidents must be critiqued in writing. Provide copies of all written critiques of actual HAZMAT incidents at the*

Facility for the last three years, including any written critique for the March 23, 2016 ammonia release at the Facility.

A copy of an Incident Critique for the March 23, 2016 ammonia release at the Facility is included in the "Request 105" folder of the enclosed disc.

106. *Describe how the level of personal protective equipment listed in Section 1.11.1 of the ERP was determined, including who made the determination and when the determination was made.*

On February 12, 2013, Gary Hardin used a Workplace Hazard Assessment to determine the level of personal protective equipment listed in Section 1.11.1 of the ERP.

107. *Describe the ERP's use of the following terminology in Section 1.11.1 and identify the personnel who hold these titles:*

i. *Contaminated HAZMAT Team B/A Area.*

This team works to contain and stop the release of ammonia, and is staffed by American Refrigeration Company.

ii. *Decontamination HAZMAT Team.*

Stavis will rely on the Boston Fire Department should decontamination become necessary.

iii. *Area HAZMAT Team Members.*

This team works to contain the area at issue. Stavis will rely on the Boston Fire Department should a HAZMAT Team become necessary.

iv. *HAZMAT Paramedics.*

Stavis does not have its own HAZMAT Paramedics. Stavis will rely on paramedics from the Boston Fire Department should HAZMAT Paramedics become necessary.

v. *Support Area Incident Commander.*

This position is filled by the Stavis employee on site. Stavis' last Support Area Incident Commander was John Murphy, who served as the Company's Vice President of Operations from 2012-2015. Stavis has not yet designated a new Support Area Incident Commander.

vi. *Safety Manager.*

This position is filled by a Stavis manager on site. The current Safety Manager is Gary Hardin.

vii. Operations Manager.

This position is filled by a Stavis manager on site. The current Operations Manager is Art Antczak.

108. According to Section 1.11.4 of the ERP, Figure A-1 notes the location of all of the Facility's HAZMAT personal protective equipment, fire extinguishers, and fire hose/standpipes. Provide a copy of the ERP's Figure A-1.

A copy of Figure A-1 is included in the "Request 108" folder on the enclosed disc.

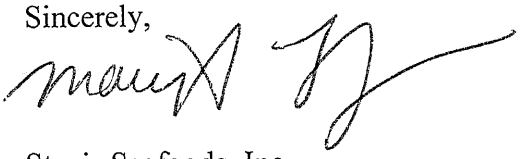
109. Section 1.11 of the ERP describes the personal protective and emergency equipment at the Facility as including SCBA equipment on site. Provide information on any SCBA equipment the Facility has on site, including any inspection and maintenance records.

Stavis Seafoods does not have SCBA equipment on site at the Facility. As a result, Stavis does not have inspection or maintenance records responsive to this request.

110. Section 1.11.3 of the ERP describes the limitations of the Facility's personal protective equipment and personnel. Describe the means, measurement tools, and acceptable limits for the measurements identified in Section 1.11.3 of the ERP.

Stavis did not utilize SCBA, Level A Hazmat Entry Suits, or Level B Hazmat Suits for Decon, nor did they obtain medical evaluations on employees pre or post entry because they never made entry or had an entry team. Therefore, because they never had the equipment or trained with it, protocols or established acceptable limits or measurement tools were never developed or defined for this particular employee PPE.

Sincerely,



Stavis Seafoods, Inc.
By: Mary S. Fleming, CFO

cc: Laura J. Berry, Esq.
Maximilian Boal, Esq.
U.S. EPA, Region 1

Instructions: Complete and Include With Your Response.

DECLARATION

I declare under penalty of perjury that I am

the CFO of Stavis Seafoods,
[Title] [Name of Facility]

that I am authorized to respond on behalf of

Stavis Seafoods, and that the foregoing is a
[Name of Facility]

complete, true, and correct response.

Executed on 8/19/16 [Signature]
[Date]

MARYS FLEMING, CFO
[Type Name and Title]